

REMARKS

The Office action mailed 6 April 2004, has been received and its contents carefully noted. Claims 1-5, 7, 9, 10, 14-17 and 24 were pending. By this amendment, claims 1, 5, and 14 have been amended. New claims 25-36 have been added. Support may be found in the specification generally and the claims as originally filed. No statutory new matter has been added. Therefore, entry of the claims as amended is respectfully requested.

Rejection under 35 U.S.C. 112, first paragraph

The Examiner rejected claims 14-17 under 35 U.S.C. 112, first paragraph, as being nonenabled for any variants. The Examiner also rejected claims 14-17 under 35 U.S.C. 112, first paragraph, as lacking written description for the variants.

Applicants respectfully submit that the claims as amended obviates the rejections under 35 U.S.C. 112, first paragraph. Specifically, the claims as amended are limited to specific sequences and are therefore enabled and have written description support. Thus, the rejection under 35 U.S.C. 112, first paragraph, should properly be withdrawn.

Rejection under 35 U.S.C. 102(b)

The Examiner rejected claims 1-5, 7, 9, 10, 14-17 and 24 under 35 U.S.C. 102(b) as being anticipated by Huston et al., Bernhard(a) et al., Bernhard(b) et al. Specifically, the cited prior art disclosed sequences containing SEQ ID NOs:3, 5, and 10.

Applicants respectfully submit that the claims as amended are limited by the use of "consisting of" language such that the claimed sequences do not include additional flanking amino acids. These specific polypeptide sequences as claimed are not taught in the prior art. Therefore, Applicants respectfully submit that the prior art does not anticipate the present invention as claimed and the rejection under 35 U.S.C. 102(b) should properly be withdrawn.

Rejection under 35 U.S.C. 102(e)

The Examiner rejected claims 1-5, 7, 9, 10, 14-17 and 24 under 35 U.S.C. 102(e) as being anticipated by Vitetta(a) et al. and Vitetta(b) et al. Specifically, the cited prior art disclosed sequences containing SEQ ID NO:7.

Applicants respectfully submit that the claims as amended are limited by the use of “consisting of” language such that the claimed sequences do not include additional flanking amino acids. These specific polypeptide sequences as claimed are not taught in the prior art. Therefore, Applicants respectfully submit that the prior art does not anticipate the present invention as claimed and the rejection under 35 U.S.C. 102(e) should properly be withdrawn.

Applicants note that the cited prior art does not disclose sequences containing SEQ ID NOs:4, 6, 8, 9, and 11. Therefore, the new claims 25-36 are free of the art and should be found allowable.

Request for an Interview

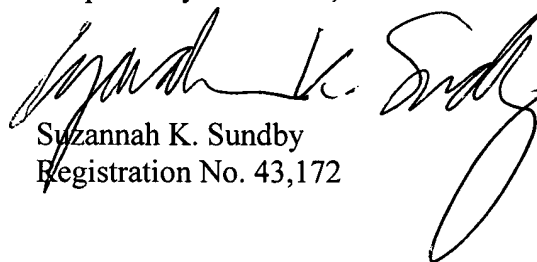
Should there be any remaining issues after entry of the amendment and consideration of the remarks herein, Applicants respectfully request either an in-person interview or a telephonic interview with the Examiner.

CONCLUSION

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. If, however, extensions of time under 37 C.F.R. §1.136 other than those otherwise provided for herewith are required to prevent abandonment of the present patent application, then such extensions of time are hereby petitioned, and any fees therefor are hereby authorized to be charged to our Deposit Account No. 210-380, Attorney Docket No. 034047.016US (RIID 01-58).

Respectfully submitted,



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